

## LAW OFFICES OF DAVID P. FALLON, PLLC

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April 1, 2020

VIA ECF

The Honorable Pamela J. Chen  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York

Re: Tymar v. Narain, Rivelle et al  
Case No. 1:20-cv-00719-PKC-SJB

Dear Judge Chen:

We are counsel for Rivelle Products Inc. and Timothy Michael Frailly in the above matter. Pursuant to your Honor's individual rules of practice with the consent of all counsel, we request an order allowing an extension of time for remaining defendants Rivelle Products Inc., Timothy Michael Frailly and Mitchell Group USA to answer, move or otherwise respond to the amended complaint to May 4, 2020. A copy of the stipulation extending defendant's time to respond is attached as exhibit A. We submit this request in light of the ongoing COVID-19 pandemic.

This is the first such extension request by the defendants in this matter. This request does not impact any other deadlines. I have also submitted a proposed order via ECF.

Thank you.

Very truly yours,



David P. Fallon

Cc: Scott Reynolds, attorney for Mitchell Group USA by email  
Mark Schlachet, attorney for plaintiff, by ECF

**EXHIBIT A**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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Tymar Distribution LLC  
DISPLAY NAME: New England Express  
101 Higginson Ave., #99  
Lincoln, RI 02865

Plaintiff,

v.

Kameal Narain et al.,

Defendants.

and

Rivelle Prodes, Inc.,  
DISPLAY NAME: PricePro  
5627 Kanan Rd., Ste. 275  
Agora Hills, CA 91301

and

Timothy Michael Frailly  
23278 Vanowen Street  
West Hills, CA 91307

New Party  
Defendants

**Case No.: 1:20-cv-00719-PKC-SJB**

(Pamela K. Chen, J.)

(Sanket J. Bulsara, Maj. J.)

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**JOINT STIPULATION AND REQUEST BY ALL PARTIES FOR ENLARGEMENT OF  
TIME FOR DEFENDANTS TO FILE RESPONSIVE PLEADINGS TO PLAINTIFF'S  
AMENDED COMPLAINT FOR DAMAGES**

Plaintiff Tymar Distribution LLC, DISPLAY NAME: New England Express (“Plaintiff”), and defendants Rivelle Products Inc., erroneously named as “Rivelle Products, Inc., DISPLAY NAME: PricePro” (“Rivelle”), Timothy Michael Frailly (“Frailly”), and Mitchell Group USA (“MGUSA”), by and through their respective counsel, hereby stipulate (“Stipulation”) and agree as follows:

### **RECITALS**

A. WHEREAS, on February 10, 2020, Plaintiff commenced this action by filing its Complaint for Damages (“Complaint”), naming Kameal Narain, Vickram Narain (collectively, the “Narain Defendants”), and MGUSA as defendants (Doc. 1);

B. WHEREAS, on February 19, 2020, Plaintiff filed its Amended Complaint for Damages (“Amended Complaint”), naming Rivelle and Frailly as defendants in addition to the Narain Defendants and MGUSA (Doc. 7);

C. WHEREAS, on February 20, 2020, Plaintiff voluntarily dismissed the Narain Defendants (Doc. 8);

D. WHEREAS, on or about February 20, 2020, Plaintiff mailed waivers of service pursuant to Fed. R. Civ. Proc. Rule 4 to Rivelle, Frailly, and MGUSA, giving them each 60 days from the date of mailing to return said waivers;

E. WHEREAS, on March 12, 2020, Rivelle, Frailly, and MGUSA were personally served with the Amended Complaint, making their respective responsive pleadings due on April 3, 2020;

F. WHEREAS, Plaintiff and Rivelle, Frailly, and MGUSA have agreed to enlarge each of the defendants’ respective responsive pleading dates, including to file any motion related

to the pleadings, by thirty days, until and including May 4, 2020, as the thirtieth day would otherwise fall on a weekend;

G. WHEREAS, there have been no previous requests for adjournment or enlargement of the defendants' responsive pleading dates;

H. WHEREAS, it is agreed and understood between the parties that this Stipulation does not constitute a general appearance by or on behalf of Rivelle, Frailly, or MGUSA, nor do any of those parties agree, consent to, or otherwise waive any argument related to the jurisdiction of the Court over the defendants by entering into this Stipulation.

#### **AGREEMENT**

1. Rivelle, Frailly, and MGUSA should each have their time to respond to the Amended Complaint and to file any motion related to the pleadings enlarged until and including May 4, 2020; and

2. The Court should enter the [Proposed] Order submitted under separate cover herewith.

IT IS SO STIPULATED.

Respectfully submitted,

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SCHLACHET

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TYMAR DISTRIBUTION LLC

REYNOLDS LAW GROUP LLC

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RIVELLE PRODUCTS INC. and  
TIMOTHY MICHAEL FRAILLY